

Serial No. 10/667,087
Filed: September 18, 2003

REMARKS

With entry of the present amendment claims 1 to 51 are pending. No claims have been amended, cancelled, or added. Applicants appreciate the Examiner's indication that claims 44 to 46 are allowed.

No additional fees are believed due. However, the Director is hereby authorized to charge any deficit, or credit any overpayment, to Deposit Account No. 08-2525.

PROVISIONAL REJECTION OF CLAIMS 1 TO 43 AND 47 TO 51 UNDER THE DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING OVER US APPLICATION NO. 10/666,594

Claims 1 to 43 and 47 to 51 stand provisionally rejected over claims 1 to 63 and 67 of copending application No. 10/666,594 ("the '594 application"). In particular, the office action states that although the claims of the two applications are not identical, they are not patentably distinct because there is an overlap between the compounds of the instant claims and those of the '594 application where Q is -C-.

Applicants respectfully traverse this rejection because the compounds of the instant application are not obvious over those claimed in Application No. 10/666,594 for at least the following reasons. The compounds of the instant application and the '594 application do not overlap. In particular, the compounds of the '594 claims require that R³ is a hydrogen atom. In contrast, the compounds of the instant claims require that R³ is -NHR⁶. There is nothing in the '594 application to teach or suggest substituting an -NHR⁶ group for the hydrogen atom at the R³ position.

Similarly, the compounds of the '594 claims require that R⁴ is -CONHR⁵, CN, or -NHR⁶. In contrast, the compounds of the instant claims require that R⁴ is hydrogen. There is nothing in the '594 application to teach or suggest substituting a hydrogen atom for the -CONHR⁵, CN, or -NHR⁶

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group at the R⁴ position. Thus, the compounds of the instant claims are not obvious over those of the '594 claims.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

PROVISIONAL REJECTION OF CLAIMS 1 TO 43 AND 47 TO 51 UNDER THE DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING OVER US APPLICATION NO.

Claims 1 to 43 and 47 to 51 stand provisionally rejected over claims 1, 3, 5 to 42 and 48 to 49 of copending application No. 10/667,088 ("the '088 application"). In particular, the office action states that although the claims of the two applications are not identical, they are not patentably distinct because there is an overlap between the compounds of the instant claims and those of the '088 application where Q is -C-.

Applicants respectfully traverse this rejection because the compounds of the instant application are not obvious over those claimed in Application No. 10/667,088 for at least the following reasons. The compounds of the instant application and the '088 application do not overlap. In particular, the compounds of the '088 claims require that R³ is -C(O)N(H)CH₃ or -CH₂CN. In contrast, the compounds of the instant claims require that R³ is -NHR⁶. There is nothing in the '088 application to teach or suggest substituting an -NHR⁶ group for the -C(O)N(H)CH₃ or -CH₂CN group at the R³ position. Thus, the compounds of the instant claims are not obvious over those of the '088 claims.

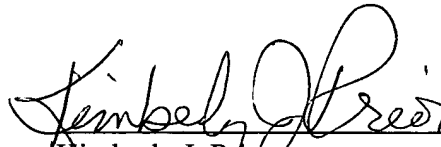
For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

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The foregoing amendment is fully responsive to the Office Action issued November 18, 2005. Applicants submit that Claims 1 to 51 are allowable. Early and favorable consideration is earnestly solicited.

If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly J. Prior", written over a horizontal line.

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